

REMARKS

Claims

Claims 1–9 are currently pending. Claims 10–13 are added by this paper.

Claim amendments

The claims have been amended as per conventional US practice and to correct for minor typographical errors. The language of the claims has been clarified to reflect aspect(s) of Applicants' invention.

Claim 9, which has been amended to recite an independent claim, incorporates the elements of claim 3, to which it was previously dependent on. The subject matter cancelled from claim 9 is now recited in new claim 12.

New claims 10–13 are directed to further aspect(s) of applicant's invention. Support for the claims can be found, for example, page 12, ¶4; page 6, ¶6; and at least in the disclosure contained in the Examples.

It is respectfully submitted that the claim amendments do not raise new matter.

Non-compliance

Applicants disagree with the Examiner's contention that the alleged recitation of use claims renders the claimed subject matter "incomprehensible." However, in order to facilitate prosecution, the use claims have been amended to recite process claims, as per conventional US practice, which reflect the recited "use." Thus the rejection under §101 is moot in view of the aforementioned amendments and remarks.

With respect to the contention that instant claim 9 recites a multiple dependent claim, it is submitted that such multiple dependent claims were eliminated via Applicants' preliminary amendment filed December 20, 2000. A copy of this amendment, which erroneously appears on PAIR as a "Miscellaneous Incoming Letter," is enclosed herewith for the Examiner's review. Correction and/or proper classification of this communication is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP99/04286
International Filing Date : 21 JUNE 1999
Priority Date(s) Claimed : 25 JUNE 1998
Applicant(s) (DO/EO/US) : RASPE, Eric, et al.

COPY

Title: USE OF REV-ERB FAMILY OF RECEPTORS IN SCREENING

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

SIR:

Prior to calculating the national fee, and prior to examination in the National Phase of the above-identified International application, please amend as follows:

IN THE CLAIMS:


Claim 5, line 2, delete "either of Claims 3 and 4" and insert --Claim 3--;

Claim 9, lines 1 and 2, delete "either of Claims 3 and 4" and insert --Claim 3--.

REMARKS

The purpose of this Preliminary Amendment is to eliminate multiple dependent claims in order to avoid the additional fee. Applicants reserve the right to reintroduce claims to canceled combined subject matter.

Respectfully submitted,



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